

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ASSET BASED VALUE CORP,

Plaintiff,

vs.

RICHARD SHULMAN,

Defendant(s).

Civil Action No. 18-cv-08123-
PAE

ORDER

Upon reading and filing the Notice of Motion and the Affirmation of Christopher Cabanillas, Esq., dated November 14, 2019, and upon the Report of Sale of Eric Zim, Esq., Referee, dated March 4, 2019, and filed in with the office of the Clerk of the Court on March 28, 2019, showing that surplus monies in the sum of \$424,007.35, has been paid into the Court, and upon all the papers and proceedings heretofore filed and had herein, and the motion having come and to be heard, and there being no opposition to this motion, and due deliberation having been had thereon;

NOW, upon motion of Cabanillas & Associates, P.C. attorneys for Richard Shulman, and prior owner of the foreclosed property, it is

ORDERED, that this motion be and same is hereby granted to the extent herein provided; and it is further

ORDERED, that said report and sale therein mentioned be absolute and binding forever and it stand as in all things ratified and confirmed, and it is referred to Eric Zim, Esq. as Referee to compute in this SURPLUS MONEY proceeding, who is to notify, in writing, all claimants, all appearing parties, and any other person who has a lien on the surplus money and attend a hearing AND REQUIRE ALL PERSONS APPEARING AT THE HEARING AND MAKING A CLAIM TO SURPLUS FUNDS TO PRESENT SATISFACTORY IDENTIFICATION and to then ascertain and report the amount due to said petitioner or TO ANY OTHER PERSON OR ENTITY who has a lien on the subject property and to ascertain the priorities of the several liens, if any, and to report with all convenient speed; and it is further;

ORDERED, that no payment is to be made to the referee to compute in this surplus money proceeding from the surplus monies pursuant to the consent of the parties; but rather it is hereby

ORDERED, that all fees charges and assessments against surplus monies be made in compliance with statutory requisites to be confirmed by order of this Court; and it is further

ORDERED, that the Referee appointed herein in this surplus money proceeding is subject to the requirements of 22 NYCRR 36, if the Referee is disqualified from receiving an appointment pursuant to the provisions of that rule, the Referee shall notify the appointing judge forthwith.

Dated: November 21, 2019

ENTER: Paul A. Engelage